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PATENT
Serial No. 09/183,791

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

JACOVES, et al.

Serial No.:

09/183,791

Filing Date:

October 30, 1998

Group Art Unit:

3624

Examiner:

Hani M. Kazimi

Title:

FUEL REWARD PROGRAM SYSTEM USING
BUNDLED DISCOUNT TRIGGERING ITEMS

RECEIVED

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GROUP 3600

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Honorable Assistant Commissioner

for Patents

Washington, D.C. 20231

Dear Sir:

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.	
<u>Willie Jiles</u>	_____ Name
<u>4-8-03</u>	_____ Date of Signature
Express Mail No. EV 193168281US	

RESPONSE PURSUANT TO 37 C.F.R. § 1.116 AND
REQUEST FOR INTERFERENCE

Applicants respectfully submit that the Final Office Action, mailed January 23, 2003 is improper, and should be vacated by the Examiner. Applicants have copied Claims 1, 3, 6, 9-11, 13-15, 18 and 22 from U.S. Patent No. 6,332,128 B1. The Examiner has indicated that such claims are allowable. According to MPEP 2307.02:

When claims corresponding to claims of a patent are presented, the application is taken up at once and the examiner must determine whether the presented claims are unpatentable to the applicant on any ground(s), e.g., under 35 U.S.C. 102, 35 U.S.C. 103, 35 U.S.C. 112, 35 U.S.C. 135(b), double patenting, etc. If at least one of the presented claims is not rejectable on any such ground and is claiming the same invention as at least one claim of the patent, **the examiner should proceed to initiate an interference.**

(Emphasis Added) *See MPEP 2307.02 – Rejection of Claims Corresponding to Patent Claims*, first full paragraph.

Accordingly, pursuant to MPEP 2307.02 Applicants respectfully submit that the Examiner should proceed to initiate an interference with U.S. Patent No. 6,332,128 B1, and U.S. Patent Application 20020040321. Although Applicants do not believe that the present application is ripe for a Final Office Action, Applicants offer the following response to the Final Office Action.

In response to the Final Office Action (mailed January 23, 2003), and in furtherance of Applicants' Request for Interference with U.S. Patent No. 6,332,128 B1 (mailed April 22, 2002, hereinafter, the "128 Patent"), Applicants respectfully request the Examiner to reconsider the rejection of the claims in view of the following Amendments thereto, and the comments as set forth below. Please amend the Application as follows.